

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 14,090

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Appeal of)

INTRODUCTION

The petitioner appeals a decision of the Department of Social Welfare denying her coverage for a nasal irrigation device under the Medicaid regulations.

FINDINGS OF FACT

1. The petitioner has chronic sinusitis accompanied by facial pain. She has had several surgeries but still gets an infection on an average of once every other month. Treatment of these infections occurs only with very expensive medications, costing from \$65 to \$110 per week. She also must take pain medications and is in a pain management clinic. The petitioner has been unable to work in her usual job as a registered surgical nurse due to the severity of the problem and is a Medicaid recipient.
2. The petitioner's physician has prescribed a nasal irrigation device to help clear mucous and debris from her sinuses in the hope of preventing further infection. The petitioner applied for such a device in November of 1995 but was denied on December 11, 1995 because the device was "not primarily medical in nature." She was subsequently denied as well because the device is not included in the listing of durable medical equipment for which the Department will pay.
3. The petitioner currently tries to keep an aseptic environment in her nasal passages through the use of a syringe and plastic tubes through which she injects a saline solution. However, it would be more helpful to her to have a device that supplied water pressure, such as the irrigator.

ORDER

The decision of the Department is affirmed.

REASONS

The Medicaid regulations allow for payment for durable medical equipment as follows:

Payment may be made for durable medical equipment ordered by a physician for use in the recipient's

residence other than a health care institution; i.e., other than in a mental hospital, general hospital, skilled nursing home, intermediate care facility or intermediate care facility for the mentally retarded (ICF-MR). A medical necessity form completed by the physician must accompany the claim submitted by the provider.

Durable medical equipment is defined as equipment which:

Can withstand repeated use; and

Is primarily and customarily used to serve a medical purpose; and

Is generally not useful to a person in the absence of illness or injury; and

Is appropriate for use in the home.

M840

M841 contains a list of covered items which is "intended to be all-inclusive." No type of irrigation devices are included in the list. The petitioner makes no argument that she has any other entitlement to coverage of this item. Therefore, the decision of the Department is upheld.

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